

1 Lawrence J. Semenza, Esq.  
2 Nevada Bar No. 789  
3 LAWRENCE J. SEMENZA, LTD.  
3753 Howard Hughes Parkway Suite 200  
4 Las Vegas, Nevada 89169  
5 Telephone: (702) 369-6999  
6 Facsimile: (702) 263-3539  
7 E-mail: lsemenza@semenzalawfirm.com

8 *Attorneys for Plaintiff Joyce Zaic*

9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 JOYCE ZAIC,

12 Plaintiff,

13 v.

14 MICHAEL GIDDENS, an individual,  
15 T. WALL, an individual, and Defendant  
16 John Does 1 through 5,

17 Defendants.

Case No.:

**COMPLAINT FOR VIOLATION OF  
CIVIL RIGHTS AND DEMAND FOR  
JURY TRIAL**

18  
19  
20  
21  
22 **COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**  
23 **AND DEMAND FOR JURY TRIAL**  
24

25 Plaintiff, JOYCE ZAIC, by and through her attorney, Lawrence J. Semenza, Esq. of  
26 LAWRENCE J. SEMENZA, LTD., and alleges upon knowledge as to herself and her own acts,  
27  
28

LAWRENCE J. SEMENZA, LTD.  
3753 Howard Hughes Parkway, Suite 200  
Las Vegas, Nevada 89169  
Telephone: (702) 369-6999

1 and upon information and belief as to all other matters, bring this complaint against the above-  
2 named Defendants and in support thereof alleges the following:

3 This is a civil action seeking damages against defendants for committing acts under color  
4 of law, and depriving plaintiff of rights secured by the Constitution and laws of the United States.  
5 Defendants, while acting in their capacities as police officers for College of Southern Nevada  
6 (CSN), deprived plaintiff of her liberty and property without due process of law, thereby  
7 depriving plaintiff of her rights, privileges and immunities as guaranteed by the Fourth and  
8 Fourteenth Amendments to the constitution of the United States.  
9

### 10 **JURISDICTION AND VENUE**

11 2. Jurisdiction of this Court is invoked under 42 U.S.C. § 1983 and under 28 U.S.C.  
12 § 1343, and supplemental jurisdiction exists for the state law claims under 28 U.S.C. § 1331.

13 3. Venue in this District is proper because PLAINTIFF and DEFENDANTS reside  
14 and/or do business in Nevada. Venue is also proper in this district because the acts and  
15 transactions that give rise to this action occurred, in substantial part, in this district.  
16

### 17 **PARTIES**

18 4. Plaintiff Joyce Zaic is a citizen and resident of the State of Nevada and a citizen  
19 of the United States, who resides in Clark County, Nevada.

20 5. Defendants Michael Giddens and T. Wall, were, at all times material to this  
21 Complaint, were citizens and residents of the State of Nevada and citizens of the United States,  
22 who reside in Clark County, Nevada, and were duly appointed police officers of College of  
23 Southern Nevada Police Department. At all times material to this complaint, these defendants  
24 acted toward plaintiff under color of the statutes, ordinances, customs, and usage of the State of  
25 Nevada and the College of Southern Nevada Police Department.  
26  
27  
28



1 as Feb. 2, 2012, Ms Zaic continues to harass the employees of CSN by using vile,  
2 racially-charged insults. She has previously made threats of physical harm  
3 against CSN and NSHE employees and their families.

4 14. A Temporary Order was issued on February 7, 2012, and a hearing set for  
5 February 23, 2012. No notice was given to Ms Zaic prior to the filing of the Application or the  
6 granting of the Temporary Order, though the Temporary Order itself indicates that she did have  
7 advance notice apparently based on the sworn affidavit of the applicant, Richard Hinckley, Esq.  
8 who indicated on his Feb. 2, 2012, application that he had notified her by E-mail and Mail on  
9 Feb. 3 – the day after he made the Application!

10 15. A Proof of Service for the Temporary Order was filed indicating that T. Wall of  
11 the CSN Police Department served Ms Zaic on February 15, 2012.

12 16. On February 16, 2012, CSN filed for a Modification of the TPO, asking that Ms  
13 Zaic be prohibited from blogging about “any Regent, NSHE or College officer & staff. . . .”

14 17. At the February 23, 2012, hearing, Ms Zaic was not present and the Court  
15 accepted the proof of service filed by the College, and granted an Extended Order for Protection.  
16 There was no evidence or testimony presented at the hearing.

17 18. There was nothing offered to support the allegations Ms Zaic had threatened to  
18 cause or had caused bodily injury to herself or another, or damage to the property of another or  
19 substantial harm to the physical or mental health or safety of another.

20 19. The Court found a possibility of irreparable harm because of the “continuous  
21 threat of stalking/harassment.”

22 20. Numerous Returns of Service for the Extended Order were filed by the Civil  
23 Sheriff indicating that Ms Zaic had not been found to be served. However, Michael Giddens, an  
24 employee of the CSN Police Department filed a Proof of Service, indicating he had served Ms  
25 Zaic with the Extended Order on May 4, 2012.

26 21. On April 26, 2012 CSN filed for enforcement of the Order, seeking to have Ms  
27 Zaic held in contempt, for an Extended Order she had not received. That Motion cited service of  
28 the Extended Order personally on Ms Zaic on April 17, 2012, by a CSN employee.

LAWRENCE J. SEMENZA, LTD.  
3753 Howard Hughes Parkway, Suite 200  
Las Vegas, Nevada 89169  
Telephone: (702) 369-6999

1           22.     The reasons for seeking the contempt citation were allegations that Ms Zaic had  
2 continued to post blogs or other internet materials which they claimed were in violation of the  
3 Extended Order. A hearing was set for May 23, 2012, on an Order to Show Cause regarding  
4 contempt.

5           23.     The Justice Court sent a letter to CSN dated May 18, 2012, indicating that the  
6 Court was not able to serve Ms Zaic and that CSN would be responsible for service.

7           24.     When the case came before the Court on May 23, 2012, the Court indicated that  
8 Ms Zaic could not be served, at which time Mr. Hinckley said “we did serve her” and gave the  
9 Court the Proof of Service indicating that a CSN employee, Michael Giddens, filed a Return of  
10 Service, saying he served Ms Zaic on May 15, 2012, prior to the Justice Court letter saying  
11 service could not be made.

12           25.     Because Ms Zaic was not present, a bench warrant was issued for her arrest.

13           26.     Upon information and belief, plaintiff believes that no bench warrant was issued  
14 or signed by the Court for the arrest of plaintiff.

15           27.     Ms Zaic was forcibly arrested on June 8, 2012, at her home, by breaking down the  
16 door by CSN-employed police officers who charged her with violating N.R.S. 033.100, as well  
17 as resisting arrest.

18           28.     Pursuant to N.R.S. § 391.275 School police have no jurisdiction outside of the  
19 school property only in situations of “hot pursuit.” Hot pursuit did not exist.

20           29.     The CSN Police officers had no authority to leave the campus, go to Ms Zaic’s  
21 home, forcibly arrest her for violation of N.R.S. § 33.100, which is a violation of a Domestic  
22 Violence Order.

23           30.     By means of their unlawful arrest and detention of plaintiff, the destruction of  
24 property and the malicious charges they placed against her, defendants T. Wall and Michael  
25 Giddens, intentionally, or with deliberate indifference and callous disregard of Plaintiff’s rights,  
26 deprived plaintiff of her right to be free of unreasonable arrest and willful destruction of property,  
27 in violation of the Fourth and Fourteenth Amendments to the constitution of the United States  
28 and 42 U.S.C. § 1983.

1 WHEREFORE, plaintiff Joyce Zaic demands judgment against defendants T. Wall and  
2 Michael Giddens, jointly and severally, for compensatory damages in an amount to be  
3 determined at trial, and further demands judgment against each of said defendants, jointly and  
4 severally, for punitive damages to be determined at trial, plus costs of this action and such other  
5 relief as to this Court deems just, proper, and equitable.

6 **SECOND CLAIM FOR RELIEF**

7 31. Plaintiff incorporates by reference all of the above paragraphs 1 through 30 of this  
8 Complaint as though fully stated herein.

9 32. Defendants' illegal arrest and forcible entry and destruction of personal property  
10 and abuse of plaintiff, committed intentionally, either with malice or without malice, deprived  
11 plaintiff of her right to be free from unlawful arrest as guaranteed by the Fourth and Fourteenth  
12 Amendments to the Constitution of the United States and protected under 42 U.S.C. § 1983.

13 WHEREFORE, plaintiff Joyce Zaic demands judgment against defendants T.  
14 Wall and Michael Giddens, jointly and severally, for compensatory damages in an amount to be  
15 determined at trial, and further demands judgment against each of said defendants, jointly and  
16 severally, for punitive damages to be determined at trial, plus costs of this action and such other  
17 relief as to this Court deems just, proper, and equitable.

18 Dated this 8<sup>th</sup> day of June 2014.

19  
20  
21  
22 LAWRENCE J. SEMENZA, LTD.

23 /s/ Lawrence J. Semenza

24 Lawrence J. Semenza, Esq.

25 3753 Howard Hughes Pkwy, #200  
26 Las Vegas, NV 89169

27 *Attorneys for Plaintiff Joyce Zaic*

**DEMAND FOR JURY TRIAL**

Please take notice that Plaintiff demands trial by jury in this action.

LAWRENCE J. SEMENZA, LTD.  
3753 Howard Hughes Parkway, Suite 200  
Las Vegas, Nevada 89169  
Telephone: (702) 369-6999